10-08-03

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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

TRANSMITTAL **FORM**

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Total Number of Pages in This Submission

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Application Number	09/724,551
Filing Date	November 28, 2000
First Named Inventor	Schenk, Dale B.
Art Unit	1647
Examiner Name	Christopher J. Nichols
Attorney Docket Number	15270J-004764US

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

		ENCLOSURE	S (Check all that appl	у)
Fee Transmittal Fo	,	☐ Drawing(s)		After Allowance Communication to Group
Fee Attached		Licensing-relate	d Papers	Appeal Communication to Board of Appeals and Interferences
Amendment/Reply	,	Petition		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
After Final		Petition to Converge Provisional App		Proprietary Information
Affidavits/decla	aration(s)	Power of Attorne	ey, Revocation espondence Address	Status Letter
Extension of Time	Request	Terminal Disclai	mer	Other Enclosure(s) (please identify below):
Express Abandonn	ment Request	Request for Refund CD, Number of CD(s)		Return receipt postcard
Information Disclos	sure Statement (5			
pages) w/attached PTO/SB/08A (6 pages) and PTO/SB/08B (18 pages) (w/o references 1-406)		Remarks	The Commissioner is authorized to charge any additional fees to D Account 20-1430.	
Response to Missi Incomplete Applica	•		J	•
Response to Nunder 37 CFR	•			
	SIGI	NATURE OF APPL	ICANT, ATTORNEY,	OR AGENT
Firm		wnsend and Crew LLF		
or Individual	Rosemarie L. Celli		Reg. No	o. 42,397
Signature	I ose	marie	L. Cel	li
Date	October 6, 2003			
		CERTIFIC	CATE OF MAILING	

October 6, 2003 Date Signature This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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Daniel Miranda

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/17 (05-03) Approved for use through 04/30/2003. OMB 0651-0032 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known **FEE TRANSMITTAL** 09/724,551 **Application Number** for FY 2003 November 28, 2000 Filing Date Effective 01/01/2003. Patent fees are subject to annual revision. First Named Inventor Schenk, Dale B. Applicant claims small entity status. See 37 CFR 1.27 **Examiner Name** Christopher J. Nichols 1647 Art Unit TOTAL AMOUNT OF PAYMENT 15270J-004764US 180 Attorney Docket No. METHOD OF PAYMENT (check all that apply) FEE CALCULATION (continued) 3. ADDITIONAL FEES MoneyOrder Check Credit Card Deposit Account: **Entity** Small Entity Large Fee Fee Fee Fee Fee **Fee Description** Deposit Code (\$) Code (\$) Paid 20-1430 Account 2051 65 130 Surcharge - late filing fee or oath 1051 Number Surcharge - late provisional filing fee 2052 25 1052 50 or cover sheet. Deposit 1053 130 1053 Non-English specification 130 Townsend and Townsend and Crew LLP Account Name 1812 2,520 1812 2,520 For filing a request for reexamination 920* Requesting publication of SIR prior to 1804 1804 920* The Commissioner is authorized to: (check all that apply) **Examiner action** Charge fee(s) indicated below Credit any overpayments 1805 Requesting publication of SIR after 1,840* 1805 1,840* Charge any additional fee(s) during the pendency of this application **Examiner action** Extension for reply within first month Charge fee(s) indicated below, except for the filing fee 1251 110 2251 55 to the above-identified deposit account. 2252 1252 410 205 Extension for reply within second month **FEE CALCULATION** 1253 930 2253 465 Extension for reply within third month BASIC FILING FEE 1254 1,450 2254 725 Extension for reply within fourth Small Entity Large Entity month Fee Fee **Fee Description** Fee Fee 1,970 2255 985 Extension for reply within fifth month 1255 Code Fee Paid Code (\$) (\$) 2401 Notice of Appeal 1401 320 160 1001 750 2001 375 Utility filing fee 320 2402 1402 160 Filing a brief in support of an appeal 2002 1002 330 165 Design filing fee 1403 280 2403 140 Request for oral hearing 2003 1003 520 260 Plant filing fee Petition to institute a public use 1451 1,510 1451 1,510 2004 750 375 1004 Reissue filing fee proceeding 1005 160 2005 Provisional filing fee 80 2452 Petition to revive - unavoidable 1452 110 55 2453 1453 1,300 650 Petition to revive - unintentional SUBTOTAL (1) 1501 1,300 2501 650 Utility issue fee (or reissue) 1502 470 2502 235 Design issue fee 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1503 630 2503 315 Plant issue fee Fees from Petitions to the Commissioner 1460 130 1460 130 Extra Claims helow Fee Paid

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Total C	laims [_••	=		1807	50	1807	· 5 0	Petitions related to provisional applications	
Independ Claims	dent	-**	=	=	1806	180	1806	180	Submission of Information Disclosure Stmt	180
Multiple Depende	ent		L	X	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
Large E	ntity	Small En	tity	_	1809	750	2809	375	Filing a submission after final rejection	٠ 🗀
Fee	Fee	Fee	Fee	For December					(37 CFR § 1.129(a))	
Code	(\$)	Code	(\$)	Fee Description	1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1202	18	2202	9	Claims in excess of 20						
1201	84	2201	42	Independent claims in excess of 3	1801	750	2801	375	Request for Continued Examination (RCE)	
1203	280	2203	140	Multiple dependent claim, if not paid						
1204	84	2204	42	** Reissue independent claims over original patent	1802	900	1802	900	Request for expedited examination of a design application	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	Other	fee (speci	ify)			
		•	SUBTO	OTAL (2) (\$)	*Redu	ced by Ba	sic Filinç	g Fee P	aid SUBTOTAL (3) (\$)180	

SUBMITTED BY

Name (Print/Type) Rosemarie L. Celli Registration No. (Attorney/Agent) 42,397 Telephone 650-326-2400

Signature Date September 11, 2003

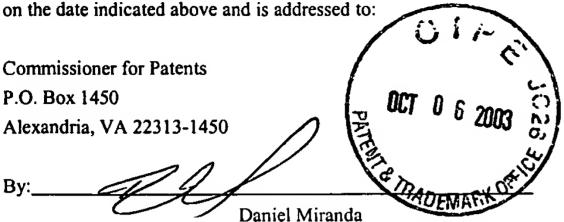
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.

09/724,551

Confirmation No. 7121

Applicant Filed

Dale B. Schenk November 28, 2000

TC/A.U.

1600/1647

Examiner

Christopher J. Nichols

Docket No.

15270J-004764US

Customer No.

20350

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97 and § 1.98

Sir:

The references cited on the attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/580,018, filed May 26, 2000 (Attorney Docket No. 15270J-004760US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

The attached PTO/SB/08B form cites "Grant Application; Raso, Immunology of Alzheimer's Disease', 1/1998," as cite no. 304. Cite no. 304 was cited by the Examiner in Application No. 09/579,690. Application No. 09/579,690 is a commonly owned copending application directed to subject matter related to the instant application. Applicant believes

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"1/1998" is not the publication date as alleged by the Examiner, but refers to the grant funding cycle. Applicants' further believe the date of public accessibility, if any, is unknown. Applicant wishes to bring to the Examiner's attention that a copy of a grant application believed to have been submitted by Victor Raso for NIH Grant 1 R43 AGI 5746-01 on August 29, 1997 is cited in the attached PTO/SB/08B form as cite no. 144. Cite no. 144 is a redacted version of cite no. 304. Applicant obtained cite no. 144 under the Freedom of Information Act (FOIA). It is believed that the grant proposal would not have been accessible under FOIA before April 2, 1998, but the exact date of public accessibility, if any, is not known to Applicant.

The Assignee of the instant application is a licensee of U.S. Patent No. 5,688,651, which is directed in part to subject matter related to the instant application. U.S. Patent No. 5,688,651 is now undergoing examination reissue as Application No. 09/441,140. U.S. Patent No. 5,688,651 and U.S. Application No. 09/441,140 are cited in the attached PTO/SB/08A form herewith as Cite Nos. 16 and 283, respectively.

Applicant also cites commonly owned copending applications directed to related subject matter:

```
09/201,430 filed 11/30/98;
09/497,553 filed 02/03/00;
09/724,477 filed 11/28/00;
09/723,927 filed 11/28/00;
09/724,762 filed 11/28/00;
09/724,102 filed 11/28/00;
09/724,489 filed 11/28/00;
09/322,289 filed 05/28/99;
09/723,713 filed 11/27/00;
09/723,760 filed 11/27/00;
09/723,384 filed 11/27/00;
09/723,384 filed 11/27/00;
09/724,495 filed 11/27/00;
10/429,216 filed 05/30/03;
09/580,015 filed 05/26/00;
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Application No. 09/724,551 IDS dated October 6, 2003

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09/724,940 filed 11/28/00;
09/724,961 filed 11/28/00;
09/580,018 filed 05/26/00;
09/724,552 filed 11/28/00;
09/723,544 filed 11/28/00;
09/724,273 filed 11/28/00;
09/724,551 filed 11/28/00;
09/724,288 filed 11/28/00;
09/580,019 filed 05/26/00;
09/723,765 filed 11/28/00;
09/724,291 filed 11/28/00;
09/204,838 filed 12/03/98;
09/724,929 filed 11/28/00;
09/585,817 filed 06/01/00;
09/724,567 filed 11/28/00;
09/724,575 filed 11/28/00;
09/724,953 filed 11/28/00;
09/724,570 filed 11/28/00;
09/585,656 filed 06/01/00;
09/723,766 filed 11/27/00;
09/723,725 filed 11/27/00;
09/579,690 filed 05/26/00;
09/979,701 filed 03/13/01 (U.S. National Stage of PCT/US00/14810 filed 05/26/00);
09/979,952 filed 04/04/02 (U.S. National Stage of PCT/US00/15239 filed 06/01/00);
09/980,568 filed 03/12/02 (U.S. National Stage of PCT/US00/15302 filed 06/01/00).
```

Applicant also cites the following copending applications directed to related subject matter but subject to different assignment:

```
10/010,942 filed 12/06/01;
10/232,030 filed 08/30/02;
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and,

Application No. 09/724,551 IDS dated October 6, 2003

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10/388,389 filed 03/12/03;
60/444,150 filed 02/01/03;
10/388,214 filed 03/12/03; and,
60/474,654 filed 05/30/03.
```

Applicant further cites the following commonly owned abandoned applications directed to related subject matter:

```
60/067,740 filed 12/02/97;
60/080,970 filed 04/07/98;
60/067,219 filed 12/03/97;
60/079,697 filed 03/27/98;
09/724,921 filed 11/28/00;
60/137,010 filed 06/01/99;
60/137,047 filed 06/01/99; and,
60/136,655 filed 05/28/99.
```

Applicant also cites the following abandoned application directed to related subject matter but subject to different assignment:

```
60/251,892 filed 12/06/00; and, 60/363,751 filed 03/12/02.
```

Applicant points out that the following applications are now commonly assigned but were previously subject to different assignment than the present application:

```
60/067,219 filed 12/03/97;
60/079,697 filed 03/27/98;
09/204,838 filed 12/03/98;
09/724,921 filed 11/28/00; and,
09/724,929 filed 11/28/00.
```

Application No. 09/724,551 IDS dated October 6, 2003

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance. Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Rosemarie L. Celli Reg. No. 42,397

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor

San Francisco, California 94111-3834

Tel: 650-326-2400 Fax: 650-326-2422

RLC 60036935 v1

PTO/SB/08A (10-01)

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Substitute for form 1449A/PTO

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NFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 24

Complete if Kn wn						
Application Number	09/724,551					
Filing Date	November 28, 2000					
First Named Inventor	Schenk, Dale B.					
Art Unit	1647					
Examiner Name	Nichols, Christopher J.					
Attorney Docket Number	15270J-004764US					

U.S. PATENT DOCUMENTS							
Document Number Name of Patentee or Paten							
Examiner	Cite No. ¹	Number Kind Code ² (if known)	Publication Da	te Apr	Name of Patentee or olicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	360	2003/0073655 A1	04-17-2003		Chain		
	370	2003/0068325 A1	04-10-2003		Wang		
	378	2002/0197258 A1	12-26-2003		Ghanbari et al.		
	366	2002/0187157 A1	12-12-2002		Jensen et al.		
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	342	2002/0009445 A1	01-24-2002		Du et al.		
•	267	6,294,171 B2	09-25-2001		McMichael		
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·	401	6,284,533 B1	09-04-2001		Thomas		
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	346	5,935,927	08-10-1999		Vitek et al.		
	5	5,877,399	03-02-1999		Hsiao et al.		
Examiner Signature				Date Considered			

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Complete if Known Substitute for form 1449A/PTO 09/724,551 **Application Number** INFORMATION DISCLOSURE **Filing Date** November 28, 2000 **EMENT BY APPLICANT** Schenk, Dale B. **First Named Inventor** 1647 **Art Unit** (use as many sheets as necessary) Nichols, Christopher J. **Examiner Name** 15270J-004764US 2 24 of Heet **Attorney Docket Number**

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7	5,869,054	02-09-1999	Weiner et al.	
8	5,854,204	12-29-1998	Findeis et al.	
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20	- " 	06-24-1997	Hafler et al.	
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22		02-25-1997	Seubert et al.	
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40		11-07-1995	Lehrer et al.	
17		08-15-1995	Seubert, et al.	
26		07-18-1995	Andrulis, Jr.	

Examiner Signature	Date Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08A (10-01)

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Substitute for form 1449A/PTO C mplete if Kn wn 09/724,551 **Application Number** INFORMATION DISCLOSURE November 28, 2000 Filing Date STATEMENT BY APPLICANT Schenk, Dale B. First Named Inventor Art Unit 1647 (use as many sheets as necessary) Nichols, Christopher J. **Examiner Name** 15270J-004764US 3 of 24 Attorney Docket Number

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Cordell 02-07-1995 27 5,387,742 Van Nostrand et al. 12-14-1993 181 5,270,165 Averback 07-27-1993 284 5,231,170 07-27-1993 Majocha et al. 28 5,231,000 Ponte et al. 29 5,220,013 06-15-1993 5,208,036 05-04-1993 Eppstein et al. 30 03-09-1993 McGeer et al. 31 5,192,753 32 02-16-1993 Cordell et al. 5,187,153 33 5,057,540 10-15-1991 Kensil et al. Pardridge 198 5,004,697 04-20-1991 402 4,713,366 12-15-1987 Stevens Glenner et al. 34 4,666,829 05-19-1987

	U.S. PATENT DOCUMENTS							
Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Filing Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear			
	296	60/254,465	12-08-2000	Holtzman et al.				
	297	60/254,498	12-08-2000	Holtzman et al.				
	305	09/724,842	11-28-2000	Chalifour et al.				
	295	60/184,601	02-24-2000	Holtzman et al.				
	282	60/169,687	12-08-1999	Chain				
	242	60/168,594	11-29-1999	Chalifour et al.				
	283	09/441,140	11-16-1999	Solomon et al.				
	299	60/186,295	03-01-2000	Rasmussen et al.				

	FOREIGN PATENT DOCUMENTS										
Examiner Cite	Cite	For	eign Patent Docui	ment	Publication	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear				
Initials*	No.1	Country Code ³	Number ⁴	Kind Code ⁶ (if known)	Date MM-DD- YYYY	Applicant of Cited Document		T ⁶			
_	343	EP	1 172 378	A1	01-16-2002						
	35	EP	911 036	A2	04-28-1999						
	36	EP	868 918	A2	10-07-1998						
	37	EP	863 211	A1	09-09-1998						
	38	EP	845 270	A1	06-03-1998						
	39	EP	782 859	A1	07-09-1997						

Examiner Signature	Date Considered	
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09/724,551 **Application Number** November 28, 2000 Filing Date Schenk, Dale B. First Named Inventor 1647 Art Unit

(use as many sheets as necessary)

of

Nichols, Christopher J. **Examiner Name** 15270J-004764US Attorney Docket Number

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Sheet 5 of 24

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C mplete if Kn wn		
Application Number	09/724,551	
Filing Date	November 28, 2000	
First Named Inventor	Schenk, Dale B.	
Art Unit	1647	
Examiner Name	Nichols, Christopher J.	
Attorney Docket Number	15270J-004764US	

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of

Application Number 09/724,551

Filing Date November 28, 2000

First Named Inventor Schenk, Dale B.

Art Unit 1647

Examiner Name Nichols, Christopher J.

Attorney Docket Number 15270J-004764US

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Substitute for form 1449B/PTO Complete if Known 09/724,551 Applicati n Number **INFORMATION DISCLOSURE** November 28, 2000 Filing Date STATEMENT BY APPLICANT **First Named Inventor** Schenk, Dale B. 1647 Art Unit (use as many sheets as necessary) Nichols, Christopher J. **Examiner Name** of 24 15270J-004764US 7 Attorney Docket Number Sheet

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Signature	Considered	



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Sheet

Application Number 09/724,551

Filing Dat November 28, 2000

First Named Inventor Schenk, Dale B.

Art Unit 1647

Examiner Name Nichols, Christopher J.

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Signature	Considered	

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